

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

TOMMY WILLIAMS,

Appellant

v.

STATE OF MISSOURI.

Respondent

DOCKET NUMBER WD75915

DATE: December 17, 2013

Appeal From:

Circuit Court of Jackson County, MO
The Honorable Brian Curtis Wimes, Judge

Appellate Judges:

Division Four
James Edward Welsh, C.J., Alok Ahuja, and Cynthia L. Martin, JJ.

Attorneys:

Tommy Williams, Charleston, MO

Appellant Acting Pro Se

Attorneys:

Shaun Mackelprang, Jefferson City, MO

Counsel for Respondent

**MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**TOMMY WILLIAMS, Appellant, v.
STATE OF MISSOURI, Respondent**

WD75915

Jackson County

Before Division Four Judges: Welsh, C.J., Ahuja, and Martin, JJ.

The Jackson County Circuit Court denied Tommy Williams' motion to reopen his Rule 29.15 case to address his claim of abandonment, finding that it lacked jurisdiction. Williams appealed claiming that the court erred in dismissing the motion because his case is indistinguishable from a Missouri Supreme Court case which held that extraordinary circumstances beyond a movant's control can justify the late receipt of a Rule 29.15 motion.

Reversed and Remanded.

Division Four holds:

Williams filed his motion in the circuit court where his post-conviction proceedings took place and requested inquiry into the conduct of his post-conviction counsel under abandonment case law. The circuit court erred in finding that it lacked jurisdiction and in failing to consider Williams' claim that his counsel's active interference in the timely filing of his *pro se* Rule 29.15 motion constituted abandonment. The judgment is reversed, and the case is remanded for further proceedings.

Opinion by James Edward Welsh, Chief Judge

December 17, 2013

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